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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

FELD et al

Serial No.:

09/691,889

Filed:

October 20, 2000

For:

NUCLEIC ACID CONSTRUCTS AND

CELLS, AND METHODS UTILIZING

SAME FOR MODIFYING THE

ELECTROPHYSIOLOGICAL FUNCTION

OF EXCITABLE TISSUES

Examiner:

BAKER, ANNE MARIE

Group Art Unit: 1632

Attorney

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Docket: 00/20989

ELECTION

Director of the United States Patent and Trademark Office US Patent and Trademark Office Washington, D.C. 20231

Sir:

This is in response to the United States Patent and Trademark Office Action mailed March 28, 2002, which response is being made on or before April 28, 2002.

Applicants hereby elect Group III, namely Claims 23 – 37, drawn to a method of modifying the electrophysiological function of an excitable tissue region of an individual by transplanting cells, either genetically modified cells or unmodified cells.

Applicants reserve the right to file, at a later date, additional divisional applications claiming priority from the present application which are directed to any one or more of the non-elected Groups.

Respectfully submitted,

Sol Sheinbein

Registration No. 25,457

Attorney for Applicant

Date: April 22, 2002